

**No. 19-10754**

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

RICHARD W. DEOTTE, on behalf of themselves and others similarly situated; YVETTE DEOTTE, on behalf of themselves and others similarly situated; JOHN KELLEY, on behalf of themselves and others similarly situated; ALISON KELLEY, on behalf of themselves and others similarly situated; HOTZE HEALTH & WELLNESS CENTER, on behalf of themselves and others similarly situated; BRAIDWOOD MANAGEMENT, INCORPORATED,

Plaintiffs - Appellees

v.

STATE OF NEVADA,

Appellant.

---

**On Appeal from**  
United States District Court for the Northern District of Texas  
4:18-CV-825-O

---

**AMENDED NOTICE OF APPEAL  
APPELLANT State of Nevada**

---

AARON D. FORD  
Attorney General  
*/s/ Heidi Parry Stern*  
HEIDI PARRY STERN  
Solicitor General  
555 E. Washington Avenue  
Las Vegas, NV 89101-0000

PLEASE TAKE NOTICE that Proposed Intervenor State of Nevada hereby appeals to the United States Court of Appeals for the Fifth Circuit from this Court's July 29, 2019 Judgment, ECF No. 98; the Court's March 30, 2019 Order, ECF No. 33, granting Plaintiffs' motion for class certification; the Court's April 1, 2019 Order, ECF No. 37, amending class certification; the Court's June 6, 2019 Order, ECF No. 76, granting Plaintiffs' motions for summary judgment and for permanent injunction; and this Court's July 29, 2019 Order, ECF No. 97, denying State of Nevada's motion to intervene. Nevada previously filed a notice of protective appeal on July 3, 2019 to preserve its right to appeal pending resolution of the then-pending motion for intervention and the issuance of final judgment.

RESPECTFULLY SUBMITTED this 27th day of August, 2019.

AARON D. FORD  
Attorney General

By: /s/ Heidi Parry Stern  
HEIDI PARRY STERN  
(NV Bar 8873) (*pro hac vice pending*)  
Solicitor General  
CRAIG A. NEWBY  
(NV Bar 8591) (*pro hac vice pending*)  
Deputy Solicitor General  
Nevada Attorney General  
555 E. Washington Avenue  
Las Vegas, Nevada 89101  
(702) 486-3594 Telephone  
HStern@ag.nv.gov  
CNewby@ag.nv.gov

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the clerk of court for the United States District Court for the Northern District of Texas, by using the CM/ECF system on the 27th day of August, 2019.

I further certify that that I have served counsel of record for all parties through this Court's CM/ECF system.

<b>Appellees:</b>	<b>Counsel for Appellees:</b>
Braidwood Management, Incorporated	Hartson Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Braidwood Management, Incorporated	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Braidwood Management, Incorporated	Jonathan Mitchell Austin, TX
Richard DeOtte	Hartson Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Yvette DeOtte	Hartson Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Richard DeOtte	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Yvette DeOtte	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Richard DeOtte	Jonathan Mitchell Austin, TX
Yvette DeOtte	Jonathan Mitchell Austin, TX
Hotze Health & Wellness Center	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Hotze Health & Wellness Center	Jonathan Mitchell Austin, TX
Alison Kelley	Hartson Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
John Kelley	Hartson Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Alison Kelley	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX

John Kelley	Charles Fillmore of Fillmore Law Firm, L.L.P. Fort Worth, TX
Alison Kelley	Jonathan Mitchell Austin, TX
John Kelley	Jonathan Mitchell Austin, TX

By: /s/ Sandra Geyer  
SANDRA GEYER  
Office of the Attorney General

## CERTIFICATE OF COMPLIANCE

1. This document complies with the FED. R. APP. P. 32(a)(7)(B) because, it is double spaced excluding the parts of the document exempted by FED. R. APP. P. 32(f) and this document contains 649 words.
2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of FED. R. APP. P. 32(a)(6) because: this document has been prepared in a proportionally spaced typeface using Microsoft Office, Word 2016 in Times New Roman pt 14.

AARON D. FORD  
Attorney General

By: /s/ Heidi Parry Stern  
HEIDI PARRY STERN  
(NV Bar 8873) (*pro hac vice pending*)  
Solicitor General  
CRAIG A. NEWBY  
(NV Bar 8591) (*pro hac vice pending*)  
Deputy Solicitor General  
Nevada Attorney General  
555 E. Washington Avenue  
Las Vegas, Nevada 89101  
(702) 486-3594 Telephone  
HStern@ag.nv.gov  
CNewby@ag.nv.gov

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

**TEL. 504-310-7700**  
**600 S. MAESTRI PLACE,**  
**Suite 115**  
**NEW ORLEANS, LA 70130**

August 29, 2019

Mrs. Heidi Parry Stern  
Office of the Attorney General  
for the State of Nevada  
555 E. Washington Avenue  
Sawyer Office Building  
Suite 3900  
Las Vegas, NV 89101-0000

No. 19-10754      Richard DeOtte, et al v. Alex Azar  
USDC No. 4:18-CV-825

Dear Mrs. Stern,

We received your amended notice of appeal. We have forwarded the misrouted amended notice of appeal to District Court. Therefore, we are taking no action on the addendum which contained the amended notice of appeal.

Sincerely,

LYLE W. CAYCE, Clerk



By: Mary Frances Yeager, Deputy Clerk  
504-310-7686

cc: Mr. Charles William Fillmore  
Mr. Hartson Dustin Fillmore III  
Mr. Jonathan F. Mitchell  
Mr. Craig A. Newby